REMARKS/ARGUMENTS

Amendments were made to the specification to correct errors and to clarify the specification. No new matter has been added by any of the amendments to the specification.

Claims 1-80 are pending in the present application. Claims 1-15, 39-53 and 77 were canceled. Claims 16-38 and 54-76 were withdrawn. Claim 78 was amended. Claims 79 and 80 were added.

Element	Support
A computer implemented method, comprising:	FIG. 1, FIG. 2; FIG. 3; FIG. 4; [0042]-[0045]
gathering, by an agent, a plurality of usage data from a plurality of users consuming a plurality of computer resources in an on demand service environment, the on demand service environment providing a plurality of computer services available through a web service interface, wherein the agent is connected to the plurality of users, the web services interface, and the processing engine by a network, and wherein each of the plurality of usage data measures a consumption of a computer service resource in one of the plurality of computer services;	FIG. 3, 202, 204, 206, 208; [0036]; [0038]
sending, by the agent, the plurality of usage data to a database through the web services interface;	FIG. 2, 120; FIG. 3, 204, 206; FIG. 4, 204; FIG. 6, 120, 204
processing, by the processing engine, the plurality of usage data into a plurality of records, each of the plurality of records having a required information section and an attributes section;	FIG. 5, 228, 230; [0047], lines 1-2
saving, by the processing engine, the plurality of records into a record table, an attribute table, and a unit of work table, wherein the record table is linked to the attribute table, and the record table is linked to the unit of work table;	FIG. 6, 122, 124, 126; FIG. 8; FIG. 9; FIG. 10; [0047]-[0049]
responsive to a flag in a required field of a record, changing, by the processing engine, a status of a particular unit of work to a closed status in the unit of work table, and responsive to changing the status of the particular unit of	FIG. 10, 156; FIG. 11, 404, 408; [0047], lines 10-14; [0059]-[0060]

work to the closed status in the unit of work table, identifying, by the processing engine, a plurality of associated records, wherein an associated record is a record associated with the unit of work;	
aggregating, normalizing, and algebraically composing, by the processing engine, the plurality of associated records to produce a metric summarizing a consumption of the computer resource for the particular unit of work; and	FIG. 11, 414, 415, 424; [0010], lines 6-8; [0063], lines 1-2
storing, by the processing engine, the metric with the records in a database, wherein the metric and the records are configured to be stored and retrieved using the same schema, and wherein the metric is configured to be used in an accounting, an auditing, a billing, or an optimization process.	[0009], lines 8-10; [0010], lines 9-10; [0049], lines 1-15

Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 101

The Examiner has rejected claim 78 under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. This rejection is respectfully traversed.

Applicants have amended claim 78 to overcome the rejection.

Therefore, the rejection of claim 78 under 35 U.S.C. § 101 has been overcome.

II. 35 U.S.C. § 112, First Paragraph

Claim 78 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

Applicants have amended claim 78 to overcome the rejection.

Therefore, the rejection of claim 78 under 35 U.S.C. § 112, first paragraph has been overcome.

III. 35 U.S.C. § 112, Second Paragraph

Claim 78 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

Claim 78 has been amended to address the rejections.

Therefore, the rejection of claim 78 under 35 U.S.C. § 112, second paragraph has been overcome.

IV. 35 U.S.C. § 103, Obviousness

Claim 78 is rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,980,973) Karpenko in view of (US 6,199,068) Carpenter and further in view of "Database Processing; Fundamentals, Design, and Implementation"; Fifth Edition; by David M. Kroenke--Chapters 2, 3, and 5, hereinafter "Kroenke". This rejection is respectfully traversed.

The Examiner bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 .2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). In *Graham* v. *John Deere Co. of Kansas City*, 383 U. S. 1 (1966), the Supreme Court set out a framework for applying the statutory language of §103. The Court stated:

> Under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented.
>
> *Id.*, at 17.18.

In other words, these factual inquires include (1) determining the scope and content of a patent claim and the prior art relative to a claim in the application at issue; (2) determine the differences between the scope and content of the patent claim and the prior art as determined in (1); (3) determine the level of ordinary skill in the pertinent art; and (4) evaluate any objective indicia of non-obviousness.

Amended claim 78 recites:

A computer implemented method, comprising:

gathering, by an agent, a plurality of usage data from a plurality of users consuming a plurality of computer resources in an on demand service environment, the on demand service environment providing a plurality of computer services available through a web service interface, wherein the agent is connected to the plurality of users, the web services interface, and the processing engine by a network, and wherein each of the plurality of usage data measures a consumption of a computer service resource in one of the plurality of computer services;

sending, by the agent, the plurality of usage data to a database through the web services interface;

processing, by the processing engine, the plurality of usage data into a plurality of records, each of the plurality of records having a required information section and an attributes section;

saving, by the processing engine, the plurality of records into a record table, an attribute table, and a unit of work table, wherein the record table is linked to the attribute table, and the record table is linked to the unit of work table;

responsive to a flag in a required field of a record, changing, by the processing engine, a status of a particular unit of work to a closed status in the unit of work table, and responsive to changing the status of the particular unit of work to the closed status in the unit of work table, identifying, by the processing engine, a plurality of associated records, wherein an associated record is a record associated with the unit of work;

aggregating, normalizing, and algebraically composing, by the processing engine, the plurality of associated records to produce a metric summarizing a consumption of the computer resource for the particular unit of work; and

storing, by the processing engine, the metric with the records in a database, wherein the metric and the records are configured to be stored and retrieved using the same schema, and wherein the metric is configured to be used in an accounting, an auditing, a billing, or an optimization process.

The Examiner stated:

Karpenko discloses, A computer implemented method for processing a plurality of data into an output summarizing a consumption of a resource for a particular unit of work in an on-demand service environment, comprising: gathering a plurality of usage data, wherein each of the plurality of usage data measures a consumption of a resource in the on-demand service environment; sending the usage data to a database through a web services interface (col. 4, line 36-col. 5, line 10); processing the usage data into a raw record having a required information section and an attributes section (col. 5, lines 11 -45); saving the raw record into a record table, an attribute table, and a unit of work table, wherein the record table is linked to the attribute table by a first key, and the record table is linked to the unit of work table by a second key (col. 6, lines 3-1 1 and col. 7, line

7-col. 8, line 58- See lines 47-55 in col. 7- a billing address, an account holder, and a currency code are attributes)); and calculating, using the rule for each of the plurality of raw records, the output summarizing the consumption of the resource for the particular unit of work (col. 10, line 56-col. 11, line 18 -performs calculations and the utility bill is the summary); and storing the output with the raw records in the database, wherein the format of a first format of the output is the same as a second format of the raw records (col. 11, lines 36-52).
Karpenko failed to disclose, determining when a particular unit of work's status changes to a closed status, and responsive to the particular unit of work's status changing to the closed status, identifying a plurality of raw records associated with the unit of work and obtaining a rule for each of the plurality of raw records.
Carpenter does not expressly disclose, determining when a particular unit of work's status changes to a closed status, and responsive to the particular unit of work's status changing to the closed status, identifying a plurality of raw records associated with the unit of work and obtaining a rule for each of the plurality of raw records. However, Carpenter does disclose workflow completion and final status (interpreted as being closed) and reading a file then displaying the results to the user in col. 62, lines 58-67. Also, Kroenke discloses in chapter 2, page 28 - tables, page 30-Fig. 2-3 (Student table); pages 32-35 and the last para. On page 40, page 41 (Fig. 2-1 0) shows a report; page 42 (fig. 2-1 1) shows developing a report with MS Access and page 48 (fig. 2-1 5 shows two related reports in the section entitled "creating the database table". Chapter 3 pages 55-74 discuss the "Entity-Relationship Model" which includes attributes on page 56 and business rules on pages 65- para.'s 7-1 0 and 66-para. 1. Chapter 5 discusses the Relational Model, pages 125, 126, 128-1 32, 134-1 36, 138-1 44, 147, 149, 150, and 152 discusses keys, attributes, and tables are linked in a E-R diagram. Therefore, it is well known in the database art to have relational diagrams, tables, attributes, keys, business rules, and databases with reports for easy access when needed. Applicant's types of tables are a design option because the tables in a database can be any type of tables.

Karpenko, Carpenter, and Kroenke, individually or in combination, do not disclose the claimed invention because Karpenko is silent as to "gathering, by an agent, a plurality of usage data from a plurality of users consuming a plurality of computer resources in an on demand service environment, the on demand service environment providing a plurality of computer services available through a web service interface, wherein the agent is connected to the plurality of users, the web services interface, and the processing engine by a network, and wherein each of the plurality of usage data measures a consumption of a computer service resource in one of the plurality of computer services." Karpenko is directed to metering electrical utility services and not computer services provided through a web service interface. Specifically, Karpenko does not measure "a consumption of a computer service resource in one

of the plurality of computer services." Rather, Karpenko discloses a mechanical meter to read electrical consumption, and is silent as to "consumption of computer service resource." Carpenter and Kroenke are silent as to this limitation.

Karpenko, Carpenter, and Kroenke, individually or in combination, do not disclose "responsive to a flag in a required field of a record, changing, by the processing engine, a status of a particular unit of work to a closed status in the unit of work table, and responsive to changing the status of the particular unit of work to the closed status in the unit of work table, identifying, by the processing engine, a plurality of associated records, wherein an associated record is a record associated with the unit of work." In this limitation, a flag in a required field causes a status to be changed, and a plurality of associated records to be identified. None of the prior art records teach or suggest this limitation. All of the cited art fails to explicitly disclose these limitations. Moreover, the cited art cannot inherently disclose the limitations because it cannot be shown to necessarily follow from the teachings of the cited art. The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art); *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981). "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.' " *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted). "In relying upon the theory of inherency, the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy,* 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original).

Karpenko, Carpenter, and Kroenke, individually or in combination, do not disclose "aggregating, normalizing, and algebraically composing, by the processing engine, the plurality of associated records to produce a metric summarizing a consumption of the computer resource

for the particular unit of work." This limitation is not explicitly disclosed, nor can it be inherently disclosed for the reasons discussed above.

Karpenko, Carpenter, and Kroenke, individually or in combination, do not disclose "storing, by the processing engine, the metric with the records in a database, wherein the metric and the records are configured to be stored and retrieved using the same schema, and wherein the metric is configured to be used in an accounting, an auditing, a billing, or an optimization process." This limitation is not explicitly disclosed, nor can it be inherently disclosed for the reasons discussed above.

Therefore, the rejection of claim 78 under 35 U.S.C. § 103 has been overcome.

Claims 79-80 contain similar limitations and are allowable for the reasons set forth above.

V. Conclusion

It is respectfully urged that the subject application is patentable over Karpenko, Carpenter, and Kroenke and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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